

Message

From: Smith, Walker [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FA49E9249F124B5FB3EAAE038278D6F6-WSMITH07]
Sent: 1/11/2021 6:12:59 PM
To: Johnson, Kathleen [Johnson.Kathleen@epa.gov]
Subject: RE: Transition news

Thanks,

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From: Johnson, Kathleen
Sent: Monday, January 11, 2021 11:44 AM
To: Smith, Walker <Smith.Walker@epa.gov>
Subject: FW: Transition news

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From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Monday, January 11, 2021 11:39 AM
To: OECA Office Directors and Deputy Directors <OECA_Office_Directors_and_Deputy_Directors@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: Transition news

ODs/Deputies:

FYI.

Trump Alters EPA's Succession Line, Opening Door To New Acting Chief

January 10, 2021

President Donald Trump has revised EPA's line of succession, a move that paves the way for a longtime career staffer to serve as acting administrator once President-elect Joe Biden assumes office Jan. 20 following her mid-December promotion to a key role in Administrator Andrew Wheeler's office.

In [an executive order \(EO\)](#) on leadership succession at EPA issued late Jan. 8, Trump elevated the post of associate deputy administrator for programs in the line of succession of officials designated to take over for the EPA administrator in the event of resignation or incapacity to perform the duties of the post.

Under the new policy, the post of associate deputy administrator for programs is the highest in the succession chain following several political appointees -- such as the chief financial officer and the heads of top agency offices, including the enforcement and water divisions -- whose authority will lapse at noon on Inauguration Day.

The move confirms Inside EPA's reporting last month that the agency's December promotion of Charlotte Bertrand, previously a top official in the water office, to the recently created post of associate deputy administrator for programs was a possible prelude to her serving temporarily at the helm of the agency at the start of the next administration.

An EPA spokesman says of Trump's order, "This is a transition document laying out acting positions come January 20th once political appointees vacate their current offices. Administrator Wheeler will remain administrator until that date. On noon on the 20th Charlotte Bertrand will then become acting administrator."

One former official has said the position Bertrand currently holds has been used previously by some prior administrations, usually to appoint the senior career official at the agency. As such, Bertrand's shift to the new position will make her the lead staff person to brief Michael Regan, the North Carolina environment Secretary who Biden has tapped as administrator-designate, as well as other incoming officials.

The question of who serves as acting EPA administrator after Jan. 20 loomed particularly large prior to Democrats' twin Jan. 5 victories in the Georgia Senate runoff elections, amid prior indications that a Republican Senate could slow confirmation of Biden's cabinet picks. The Georgia results now appear to open the way for easier confirmation for Biden's picks, observers say.

Trump's EO revises a 2016 Obama administration EO laying out a list of political and career officials designated to take over in the event that the administrator or deputy administrator has resigned or is unable to perform their duties.

Under the earlier EO, observers assumed the job of temporary EPA chief following the departure of Trump political appointees on Inauguration Day Jan. 20 would fall to the Region 2 deputy administrator, a position currently held by Walter Mugdan, a long-time career official. Region 2 covers New Jersey, New York, Puerto Rico, the U.S. Virgin Islands and eight tribes.

But Bertrand's mid-December promotion sparked expectations the Trump administration might alter the line of succession to make Bertrand eligible to serve as acting EPA chief, a step that now appears complete.

Prior Posts

Prior to her most recent promotion, Bertrand was deputy assistant administrator for policy in the water office.

EPA Chief of Staff Mandy Gunasekara praised Bertrand in a mid-December staff announcement about her promotion to the administrator's office. "Her work in the Office of Water has been central to many of EPA priorities, including addressing [per- and polyfluoroalkyl substances (PFAS)] and reducing lead in drinking water," said Gunasekara, noting Bertrand's 23 years of service at EPA.

Bertrand was also one of the few career EPA officials to testify before Congress during the Trump administration, appearing before the Senate environment committee during an 2019 hearing on water issues.

Before serving in the water office, Bertrand served as deputy assistant administrator for programs in the Office of Chemical Safety and Pollution Prevention (OCSPP). Before that, she was director of the Federal Facilities Restoration and Reuse Office, housed in the waste office, overseeing cleanup programs at federal facilities.

The EPA order is one of a series of revised line of succession policies that Trump is issuing in the final days of his administration for multiple federal agencies, with some sources saying they question whether the moves are intended at least in part to complicate the implementation of new policies by incoming Biden officials.

Trump Jan. 8 also issued a revised line of succession for the International Development Finance Corporation. He issued a similar Dec. 10 memo focused on the Office of Personnel Management. -- Doug Obey (dobey@iwpnews.com)

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